

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

REPUBLIC WESTERN INSURANCE CO.,)	Case No. 1-07-CV-633
)	
Plaintiff,)	
)	
vs.)	Judge Ann Aldrich
)	
SAXON, et al.,)	
)	
Defendants.)	<u>MEMORANDUM AND ORDER</u>

This is a diversity case arising from a three-vehicle collision that took place in Huron, Ohio on November 6, 2003. The collision resulted in two lawsuits: a suit for declaratory judgment in this court and a tort action in the Court of Common Pleas of Lorain County. Plaintiff Republic Western Insurance Co. (“Republic Western”) has now asked this court to transfer this suit to the Northern District of Ohio, Western Division.

I. Background

Republic Western filed this suit on March 2, 2007, seeking a declaratory judgment (1) that it has no duty to defend or indemnify defendants W.J. Express, Inc. and Tomasz Szarkowski for claims arising out of the collision , (2) that Occidental Fire and Casualty Company (“Occidental”) is the insurer responsible for defending and indemnifying W.J. Express and Szarkowski, and (3) that Occidental is obligated to reimburse Republic Western for all fees and costs incurred defending the tort action in the Court of Common Pleas. (Doc. No. 1). On June 26, 2007, the tort action in the Court of Common Pleas was settled. (Doc. No. 36). On August 13, 2007, this court granted Republic

Western's motion to dismiss all defendants except Occidental.

II. Venue

Believing that Huron, Ohio was located in the Eastern Division of this district, Republic Western filed suit here. (Doc. No. 1). Occidental, in its answer, stated that Huron, Ohio is actually located in the territorial jurisdiction of the Western Division of this district. (Doc. No. 25). Republic Western has now filed an unopposed motion to transfer this action to the Northern District of Ohio, Western Division. (Doc. No. 38).

III. Order

The court hereby grants Republic Western's motion to transfer and directs the Clerk of Court to transfer this action to the Northern District of Ohio, Western Division. This order is final and not subject to appeal.

IT IS SO ORDERED.

s/Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: September 4, 2007